

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ROSE M.,)
)
 Plaintiff,)
)
 v.) No. 1:17-cv-04672-JRS-DML
)
 NANCY A. BERRYHILL,)
 Acting Commissioner of Social Security,)
)
 Defendant.)

Order Adopting Report and Recommendation ([ECF No. 16](#))

On February 21, 2019, Magistrate Judge Debra McVicker Lynch issued her Report and Recommendation on Complaint for Judicial Review, finding that the Administrative Law Judge’s step three analysis of Rose M.’s cervical spine impairment is not supported by substantial evidence. ([ECF No. 16](#).) The parties had an opportunity to file objections under [28 U.S.C. § 636\(b\)\(1\)](#) and Fed. R. Civ. P. 72(b); none were filed.

The Court, having reviewed the Report and Recommendation, the parties’ briefs, and the administrative record, **adopts** the Report and Recommendation ([ECF No. 16](#)). The Court concludes that the ALJ’s decision is not supported by substantial evidence and should be reversed and remanded under sentence four of [42 U.S.C. § 405\(g\)](#) for further consideration consistent with the Report and Recommendation. Final judgment will be entered.

Date: 3/12/2019

A handwritten signature in blue ink, reading "James R. Sweeney II", written over a horizontal line.

JAMES R. SWEENEY II, JUDGE
United States District Court
Southern District of Indiana

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